

**TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 14 - REGULATIONS AND PROCEDURES FOR THE LEGAL  
OPERATION OF APPROVED NONPUBLIC SCHOOLS**

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001    General Provisions

001.01 Statutory Authority. This Chapter is adopted pursuant to Sections 79-328 and 79-332 of the Revised Statutes of Nebraska (R.R.S.).

001.02 Approval of School Systems. Nonpublic Schools will be classified as approved if they meet all of the requirements of this Chapter. All private and parochial schools in Nebraska that provide elementary or secondary instruction to children of compulsory attendance age are required to be approved under the provisions of this Chapter, unless they are exempt under the provisions of Title 92, Nebraska Administrative Code (NAC), Chapter 13.

001.03 Related Regulations. Provisions regarding teacher certification and endorsement are contained in 92 NAC 21 and 92 NAC 24.

001.04 Implementation of this Chapter. This Chapter will initially be used during the 1995-96 school year to determine future approval status.

002    Definitions. As used in this Chapter:

002.01 Board means the State Board of Education.

002.02 Commissioner means the State Commissioner of Education.

002.03 Core Curriculum means a curriculum which includes language arts, social science, science, mathematics, vocational education, foreign language, visual and performing arts, and personal health and physical fitness.

002.04 Course means a particular subject, subject area, or defined sequence of learning experiences scheduled during the school day with a certificated teacher assigned and with one or more students enrolled and in attendance.

002.05 Department means the State Department of Education, which is comprised of the Board and the Commissioner.

002.06 Elementary Grades means those grades designated by the school system as elementary, but not to include any above grade eight.

002.07 Governing Body means a board elected or appointed to provide direction to a nonpublic school or to a nonpublic school system, or an individual or corporate owner.

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002.08 High School Grades means grades 9 through 12 in a school system organized with a four-year high school and grades 10 through 12 in a school system organized with a three-year high school. Schools organized as a three-year high school may include the ninth grade in determining compliance with this Chapter.

002.09 Instructional Unit means 15 clock hours (900 minutes) of classroom instruction in a course offered in the secondary school. As an example, a course which meets for 50 minutes a day for 180 days generates 10 instructional units. Instructional units should be computed to the nearest one-tenth.

002.10 School means an individual attendance center within a school system which provides either elementary or secondary education.

002.11 School System means a school or group of schools under a governing body organized to provide education in elementary and/or secondary grades as provided in this Chapter.

002.12 Secondary Grades means those grades designated by the school system as secondary, but not to include any below grade seven.

002.13 Teach as defined in Section 79-101 R.R.S., means and includes, but is not limited to, the following responsibilities: The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; the assessment and diagnosis of the individual educational needs of the pupils; the planning, selection, organizing, prescribing, and directing of the learning experiences of pupils; the planning of teaching strategies and the selection of available materials and equipment to be used; and the evaluation and reporting of student progress.

003 Procedures for Approval

003.01 Application for Initial Approval. A governing body seeking approval or seeking to add grades to a previously approved school shall make application on forms supplied by the Department. The completed application forms must be received by the Department no later than May 1 prior to the start of the school year.

003.02 Recommendation by the Commissioner. If it is determined through visitation and/or reporting that the applicant school can comply with the provisions of this Chapter, a recommendation by the Commissioner will be made to the Board that the applicant school be granted conditional approval.

003.03 Action by the Board and Subsequent Reports. Upon favorable action by the Board, the applicant school will be granted conditional approval for one school year.

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003.04 Visitation. Applicant schools shall be visited during the school year by a representative of the Department or a designated county superintendent to determine the school's compliance with the provisions of this Chapter.

003.05 Noncompliance. If it is determined by the Commissioner that a school has failed to comply with the provisions of this Chapter at any time during the year of conditional approval it shall be just cause following notice to initiate proceedings before the Board to immediately terminate the conditional approval.

003.06 Duration of Approval. Continued approval is granted for one school year from each July 1 through the following June 30. Renewal is granted based upon the school's compliance with this Chapter during the prior school year. As detailed in this Chapter, failure to comply with mandatory standards in Section 004.01 may cause a school or school system to lose its approval during the school year.

003.07 School Site Review. The State Department of Education staff shall conduct periodic on-site visits to schools to review and determine compliance with the provisions of this Chapter.

004 Requirements for All Schools

004.01 Mandatory Requirements for Legal Operation. To be eligible for approval or to continue as an approved school or school system, the following requirements shall be met when applicable. Failure to comply with Sections 004.01A through 004.01G1 shall be just cause for the Commissioner to initiate proceedings before the Board to terminate approval and end legal operation during the school year.

004.01A Teachers. The school shall use only persons certificated pursuant to 92 NAC 21 to teach. Persons conducting religion or prekindergarten classes which are not counted as a part of the nonpublic school's courses for purposes of complying with the requirements of this Chapter are excluded from this requirement.

004.01B Grade Levels. The school shall operate, offer instruction in, and give credit in only the grades for which the school is approved.

004.01C Required Instruction. Instruction in English, mathematics, science, and social studies shall be provided each school year for all grades.

004.01D Graduation Requirements. Each four-year high school (grades 9-12) shall require at least 200 credit hours for graduation, for which at least 80 percent shall be from the core curriculum. The number of credit hours given for a course may be less than the number of instructional units and may be increased up to 25 percent above the number of instructional units.

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004.01E School Year. Each school shall provide the following instruction annually between July 1 and June 30 for the grades it offers: (a) for elementary grades, the time equivalent to at least 1,032 hours, (b) for high school grades, the time equivalent to at least 1,080 hours, and (c) if kindergarten is provided, the time equivalent to at least 400 hours. When a school is dismissed for any reason such as tournaments or contests, parent/teacher conferences, funerals, parades, and school picnics, time shall not be counted in meeting the 400/1,032/1,080 hour school year requirement. Time scheduled for the school lunch period shall not be counted in meeting the school year requirements.

004.01F Assurance Statement. Each school or school system shall, by November 1 of each year, submit to the Department an Assurance Statement, as prescribed by the Department, signed by a representative of the governing body affirming compliance or specifically noting any noncompliance with the regulations contained in this Chapter.

004.01G Reports. The head administrator, or head teacher, or presiding officer of the governing body of each school shall submit a Personnel Report and a Curriculum Report to the Department by the date indicated on the prescribed forms.

004.01G1 Additions of certificated staff after September 1 shall be reported to the Department at the time of contracting.

004.02 The School and School System. Regulations contained in this section apply to all approved schools.

004.02A School Policies

004.02A1 The governing body annually updates a written set of policies based upon the purposes and goals of the school or school system. This document is on file in each school building.

004.02A2 The school has a written policy which describes the 1,080 hour instructional program scheduled for high school students and the 1,032 hour instructional program scheduled for elementary students and, if provided, the 400 hour instructional program for kindergarten students. The policy(ies) or regulations stipulate the conditions for which individual students may be excused from the regular school day.

004.02B The Instructional Program

004.02B1 The instructional program of the school is based on a written statement of purposes and/or goals developed at the local level and approved by the local board of education or governing body. This document is on file in each school building and each certificated staff member is provided a copy.

004.02B2 Each school has written guides or frameworks for each core curriculum area and for the library and guidance programs. The guide in each core curriculum area addresses, as appropriate, instruction in written composition.

004.02B3 The school provides a comprehensive cumulative record of attendance, academic progress, and dates of enrollment in and withdrawal from the school for each student enrolled.

004.02B4 No student in grades seven or eight participates in interscholastic athletic contests between schools within a school system or between school systems which exceed four games in football and eight games in other sports. Pupils in kindergarten through sixth grade do not participate in any kinds of athletic contests between schools within a school system or between school systems except that nonpublic elementary schools having seventh and eighth grade athletics may include fifth and sixth grade students if the local governing body has a policy regulating participation. Annual field or play days are excluded from this regulation.

004.02C Number, Preparation, and Assignment of Staff Members

004.02C1 Each K-12 and each secondary school having grades ten through twelve has a head administrator who holds a Nebraska Administrative and Supervisory Certificate with an endorsement for serving as a superintendent. Nonpublic schools may share an area or diocesan head administrator.

004.02C2 Any person employed in an administrative and/or supervisory capacity in addition to the head administrator holds a Nebraska Administrative and Supervisory Certificate with an appropriate endorsement for the position held.

004.02C3 A copy of the certificate or permit of each staff member who is required to have a certificate is on file in the school or school system's administrative office.

004.02C4 The ratio of pupils to certificated staff members computed on a full-time equivalency basis in each school does not exceed 30 to 1.

004.02C5 Each teacher participates in at least ten hours of staff development activities each year.

004.02D Materials and Facilities

004.02D1 Each school has a library media area(s) which is available to students during the entire school day. All library media resources are properly cataloged, marked, and shelved according to a standard classification system. Each elementary school, including any housing grade nine, has at least one set of encyclopedia which has a copyright date within six years of the current school year. Each secondary school has two sets of encyclopedia from different publishers with copyright dates in the past five years. Required encyclopedia may be in print or electronic format.

004.02D2 Each elementary and each secondary school acquires a minimum of 25 new library media resources, exclusive of textbooks and encyclopedia, of different titles, per teacher per year, up to 150 titles during one year. The minimum full text hard copy titles is 100 if library media resources are also available through electronic format.

004.02D3 Each secondary school subscribes to at least ten periodicals listed in the guide or index to periodicals used by the school. At least six are hard copy. The remainder may be obtained through electronic format.

004.02D4 Each school maintains safe, healthful, and sanitary conditions within the school building(s) and on the school grounds.

004.02E School System Performance: Evaluation and Improvement

004.02E1 Each school annually prepares a written report which includes but need not be limited to student performance and school demographics. No public reports of student performance are provided for any grades having fewer than five students.

004.02E2 Each school selects and uses a standardized norm-referenced assessment instrument. Whole grade assessment begins no earlier than grade two and assessment is conducted annually in at least one grade in each of the following three levels: grades 4-6; grades 7-9; grades 10-12.



004.02E3 Each school uses criterion referenced assessment data, beginning at least in grade five, to determine acquisition of competencies in reading, writing, and mathematics. The assessment is based upon local checklists or benchmarks of progress, portfolio collections showing student progress, or other criterion-referenced measures.

004.02E4 At least once every three years, each high school conducts a follow-up study of its graduates.

005 Regulations Pertaining to the Elementary School

005.01 The Elementary Instructional Program. The elementary school has on file a representative weekly schedule for each classroom teacher encompassing experiences in the following subject areas:

005.01A Reading and Language Arts,

005.01B Mathematics,

005.01C Social Studies,

005.01D Science/Health,

005.01E Physical Education,

005.01F Art, and

005.01G Music

005.02 Number, Preparation, and Assignment of Elementary Staff

005.02A Computed on a full-time equivalency basis, a minimum of 90 percent of the teachers in the elementary grades are assigned to areas for which they hold certificates having appropriate endorsements pursuant to 92 NAC 24.

005.02B An elementary school having more than one and less than ten full-time equivalency teachers has a principal or designates one teacher as head teacher. The head teacher holds at least an Initial, Prestandard, Standard, or Professional Nebraska Teaching Certificate issued pursuant to 92 NAC 21 with an appropriate endorsement for elementary education issued pursuant to 92 NAC 24. When the number of full-time equivalency teachers

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reaches ten or more, a principal holding a Nebraska Administrative and Supervisory Certificate is assigned at least one-half time for administration and supervision.

005.02C Two or more schools may jointly contract with a person holding a Nebraska Administrative and Supervisory Certificate with the appropriate endorsement.

006 Regulations Pertaining to the Secondary School

006.01 The Secondary Instructional Program

006.01A Required High School Program. The high school program consists of courses totaling at least 200 instructional units of which at least 100 instructional units are taught by certificated teachers employed by the school. Up to a total of 100 instructional units may be provided through one or more of the following:

006.01A1 Cooperative Arrangements. Instructional units provided through contractual or cooperative arrangements with other schools, educational service units, and/or postsecondary institutions may be counted in meeting a portion of the instructional unit requirement provided the courses are taught by properly certificated teachers and are made available to all eligible students. The course(s) must be shown on the high school class schedule if the courses are to be counted toward compliance with this regulation. A copy of the written agreement with the cooperating school/agency must be on file in the school.

006.01A1a Distance Learning. Up to 60 instructional units of the 200 unit instructional program requirement of the high school may be met through the use of courses presented primarily through one or more forms of distance learning technology such as satellite, regional course sharing, or other audio-video distance learning, provided: (a) each course is shown on the high school class schedule, (b) at least one student is enrolled and participating in each course to be counted, and, (c) each student enrolled in a course is assigned to a local certificated teacher who monitors student progress and general appropriateness of the course. The teacher is present in the classroom while instruction is in progress unless:

006.01A1a1 The off-site teacher holds a valid teaching certificate and a para-professional is present in the classroom, or

006.01A1a2 The off-site teacher holds a Nebraska teaching certificate, maintains two-way audio and video communication with the distance learning classroom, and has a direct telephone connection with a supervising adult in the school.

006.01A2 Correspondence Courses. Up to 30 instructional units of the instructional program requirement of the high school may be met through the use of correspondence courses available through the Independent Study High School, University of Nebraska-Lincoln, provided: (a) the courses are made available to all students at the school's expense, (b) at least one high school student is enrolled in each course used towards compliance with the instructional program requirement, (c) a correspondence study class is scheduled each day that school is in session with a certificated teacher present (one teacher may supervise several correspondence courses within a single class period), (d) students are required to attend the scheduled classes, and (e) a statement indicating the name of the course, the number of hours to be completed, and the name of the students enrolled is on file in the school system. The class assigned for the correspondence work must be shown on the high school class schedule.

006.01B A school adding high school grades provides at least one-fourth of the total instructional unit requirements and one-fourth of the individual subject matter requirements for each grade that it offers.

006.01C The instructional program in grades 9-12 includes as a minimum the following subject fields and the number of instructional units shown for each:

006.01C1 Language Arts - 40 instructional units. Schools may include foreign language in meeting this requirement.

006.01C2 Social Science - 30 instructional units. This must include instruction in citizenship as provided in Section 79-213 R.R.S.

006.01C3 Mathematics - 20 instructional units

006.01C4 Science - 20 instructional units. This includes courses each year in the biological and the physical sciences.

006.01C5 Vocational Education and/or Practical Arts - 40 instructional units.

006.01C6 Personal Health and Physical Fitness - 10 instructional units. Practice for and participation in interscholastic athletic activities are not accepted as a substitute for any part of the personal health and physical fitness requirement.

006.01C7 Visual and Performing Arts - 5 instructional units in music and 5 in art.

006.01C8 Computer Education - is included in the instructional program.

006.01D Secondary schools including grades seven and eight provide instruction in the following subject areas in each grade during each school year: Reading, Language Arts, Social Science, Mathematics, Science, Personal Health and Physical Fitness, Music, and Art. Computer education is integrated in the instructional program. Practice for and participation in interscholastic activities are not accepted as a substitute for any part of this requirement.

006.02 Number, Preparation, and Assignment of Secondary Staff

006.02A A minimum of 70 percent of the units offered in secondary grades during the regular school term are assigned to teachers who hold certificates having appropriate endorsements issued pursuant to 92 NAC 24. If 92 NAC 24 does not provide an endorsement designated for a particular course or subject area, any teacher holding a regular certificate may instruct such course without penalty to the school system. Teachers holding a subject endorsement are considered appropriately endorsed for any other subject within the broad field if they are acquiring six credit hours per year toward the subject endorsement or the broad field endorsement.

006.02B Each secondary school has a principal assigned who holds a Nebraska Administrative and Supervisory Certificate with an endorsement for serving as a secondary principal or for superintendent. When the number of full-time equivalency teachers reaches 10 or more, the principal is assigned at least one-half time for administration and supervision. The principal is assigned full-time for administration and supervision when the number of full-time equivalency teachers reaches 20 or more.

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007 Loss of Approval

Section 004 of this Chapter lists requirements that must be met at all times by school systems as a condition of approval. Failure to meet the provisions of Section 004 may result in the Board terminating the legal operation of the school system during the school year. Noncompliance with other regulations in this Chapter will result in the assessment of violations which, if not corrected, will result in a recommendation to the Board for probation or loss of approval.

007.01 Violations. In determining the future approval status of a school, each failure to meet a numbered regulation other than those contained in Section 004 shall constitute a separate violation.

007.02 Reporting Violations. A school shall report any existing violations to the Department on its annual Statement of Assurance.

007.03 Correction of Violations. Schools will have until February 1 to correct violations or to prepare a written plan for correction of a violation that existed at the time of submission of the Statement of Assurance. Written evidence of the correction of the violations or a written plan developed in accordance with Section 007.03A must be submitted to the Department.

007.03A Schools having an uncorrected violation may submit a written plan to the Department by February 1 for correcting the violation before the following school year. Such plans may be approved by the Board if evidence provided indicates that the violation occurred after August 1, and the violation could not reasonably be corrected immediately before or during the current school year. Written evidence of the correction must be submitted to the Department by the following September 1.

007.04 Effect of Violations on Nonpublic Schools. If, after consultation with school officials, the Commissioner determines that approved nonpublic school systems have any uncorrected violations, he or she shall make the applicable following recommendations to the Board:

007.04A An APPROVED NONPUBLIC SCHOOL SYSTEM having an uncorrected violation that applies to approved school systems and no written plan under Section 007.03A shall be recommended for APPROVAL ON PROBATION for the following year.

007.04B An APPROVED NONPUBLIC SCHOOL SYSTEM having a plan under Section 007.03A and having the same uncorrected violation after September 1 of any requirement that applies to approved school systems shall be recommended for APPROVAL ON PROBATION for the current year.

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007.04C An APPROVED NONPUBLIC SCHOOL SYSTEM ON PROBATION continuing to have the same uncorrected violation after February 1 shall be recommended for NONAPPROVAL for the following school year.

007.05 Provisions for Notice and Hearing

007.05A When the Commissioner makes a recommendation to the Board for school system to be placed on probation or for denial or revocation of approval, notice of the recommendation and of the right to request a hearing shall be given to the school system by certified mail sent at least 30 calendar days prior to the date of the Board meeting at which the recommendation is to be considered. Copies will be sent to the superintendent, head administrator, or head teacher of the school system, and to the presiding officer of the governing body, if known. This notice shall specify the basis for the recommendation.

007.05B If the school system notifies the Commissioner at least seven days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board shall schedule a hearing date.

007.05C All hearings arising under this Chapter shall be conducted in accordance with the hearing procedures of 92 NAC 61, including provisions of that Chapter relating to evidence. Any action taken or recommended by the Commissioner adverse to the school system may be the subject of a petition by such school system under 92 NAC 61, in which case all the provisions of 92 NAC 61 shall apply to such appeal.

007.06 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board shall make a determination of the future approval status of the system and shall inform the system in writing of its determination.